

Report to	Communities Scrutiny Committee
Date of meeting	19 January 2023
Head of Service	Lisa Jones, Interim Head of Legal and Democratic Services
Report author	Rhian Evans, Scrutiny Co-ordinator
Title	Review of Cabinet Decision relating to the Recommendation of the Regional Fee Setting Group

1. What is the report about?

- 1.1 A review under the Council's Scrutiny 'call-in' procedure of a decision taken by Cabinet, on 13th December 2022, on the 'Recommendation of the Regional Fee Setting Group'.

2. What is the reason for making this report?

- 2.1 A notice of a 'call-in' was submitted by 5 non-Cabinet councillors in accordance with the Council's Constitution. The notice (attached at Annex A) calls for a review by one of the Council's Scrutiny committees into a decision taken by Cabinet on 13th December 2022 in relation to the recommendation of the regional fee setting group.

3. What are the Recommendations?

That the Committee:

- 3.1 having considered the information in this report and its appendices, along with the representations made during the course of the discussion, determines whether to refer the decision on the 'Recommendation of the Regional Fee Setting Group', taken on the 13th December 2022, back to Cabinet for further consideration; and

- 3.2 if it requests Cabinet to reconsider its original decision clearly identifies the reasons its seeks the review and formulates recommendation(s) it would like Cabinet to consider.

4. Report details

- 4.1 On the 13th December 2022 Cabinet considered a report on the 'Recommendation of the Regional Fee Setting Group' (copy attached at Annex B). *Annex B is exempt from publication by virtue of paragraph 14 of Part 4 of Schedule 12A of the Local Government Act 1972.*
- 4.2 At the conclusion of its discussion Cabinet resolved:
“that Cabinet accept all the recommendations of the Fees Group as set out within the report.”
- 4.3 The Council's 'call-in' procedure defines a process for Scrutiny to exercise its statutory powers to review or scrutinise executive decisions, and to request that the decision-maker reconsiders a decision that has been taken, prior to it being implemented.
- 4.4 Cabinet's decision was published on the 15th December 2022. The 'call-in' procedure allows non-Cabinet councillors 5 working days in which to submit a notice of 'call-in'. Councillor Merfyn Parry submitted a notice of 'call-in' electronically on 19th December 2022. This request was supported (via individual e-mails) by four other non-Cabinet councillors, namely Councillors Mark Young, Chris Evans, Huw Hilditch-Roberts and Bobby Feeley.
- 4.5 The reason stated for 'calling-in' the decision is as follows:
“To request that Cabinet reconsiders its decision of 13 December 2022 to accept the recommendations of the Fees Group given that both Gwynedd and Ynys Môn are recommending to pay care providers considerably more with a view to ensuring the future sustainability of the social care sector in their areas.”
- 4.6 The Council's 'call-in' procedure does stipulate that a special meeting of a scrutiny committee should be convened within 5 working days of the receipt of the Notice of Call-In of Decision unless a scrutiny committee has a scheduled

meeting within that period. The procedure also states that this timeline can be extended if both the decision-maker and the chair of the scrutiny committee agree to an extension. As the decision did not require urgent implementation an extension to the timeline was agreed to enable the decision to be considered at the next available scrutiny committee meeting. Hence its presentation to the Committee at the current meeting.

4.7 After considering the Cabinet's decision and all representations made at the current meeting, Communities Scrutiny Committee must decide whether the decision should be referred back to Cabinet. If it determines that the decision merits being referred back to Cabinet the Committee needs to provide its reasons for referring it back, along with clear information on what it wants Cabinet to consider. Cabinet will consider the referral and the reasons submitted in support of the referral at its next available meeting. At that meeting Cabinet will be expected to demonstrate that appropriate consideration is given to the Scrutiny Committee's recommendations.

4.8 Cabinet will have the options to change or re-affirm its original decision.

4.9 If Communities Scrutiny Committee decides that Cabinet's decision should not be referred back to Cabinet, then the original decision can be implemented immediately.

5. How does the decision contribute to the Corporate Themes?

5.1. See Section 6 of the Cabinet report dated 13th December 2022 (Annex B).

6. What will it cost and how will it affect other services?

6.1. See Section 7 of the Cabinet report dated 13th December 2022 (Annex B).

7. What are the main conclusions of the Well-being Impact Assessment?

7.1. See Section 8 (and Appendix 2) of the Cabinet report dated 13th December 2022 (Annex B).

8. What consultations have been carried out with Scrutiny and others?

8.1 N/A. This report has been prepared under the provisions and timescales of the Council's Constitution for a 'call-in' of a Cabinet decision.

8.2 Details of the consultation carried out prior to Cabinet taking its decision can be seen in Section 9 of the Cabinet report dated 13th December 2022 (Annex B).

9. Chief Finance Officer Statement

9.1. See Section 10 of the Cabinet report dated 13th December 2022 (Annex B).

10. What risks are there and is there anything we can do to reduce them?

10.1. See Section 11 to the Cabinet report dated 13th December 2022 (Annex B).

11. Power to make the decision

11.1. Scrutiny's powers in relation to this matter are laid out in:

- Section 21(2) and (3) of the Local Government Act 2000; and
- Sections 7.2.1 and 7.25 of the Council's Constitution